

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

THE HUNTINGTON NATIONAL BANK, Plaintiff	:	Case No.: 2:12 CV 937
	:	
	:	
vs.	:	Judge Watson
	:	
TAYLOR BUILDING PRODUCTS, INC., Defendant	:	
	:	

**FINAL APPLICATION FOR ALLOWANCE OF COMPENSATION FOR
RECEIVER'S COUNSEL FOR THE PERIOD OF SEPTEMBER 1, 2013
THROUGH END OF ADMINISTRATION**

Now comes Bill Frazier of Raintree Capital Partners, LLC, the Court-appointed Receiver for certain assets of Taylor Building Products, Inc. (herein "Receiver"), by and through counsel, hereby applies for approval of compensation earned and for reimbursement of expenses to the Receiver's counsel for the period of September 1, 2013 through the expected conclusion of the administration. The Receiver waives his right to further compensation.

I. GENERAL INFORMATION

A. This case was initiated through the filing of a Complaint for the Appointment of a Receiver filed on October 11, 2012. At the request of Plaintiff, The Huntington National Bank ("HNB"), the Court appointed the Receiver pursuant to an Order entered on October 15, 2012 (herein "the Order") (Doc. 8).

B. Strip, Hoppers, Leithart, McGrath & Terlecky Co., LPA (the "Firm") is the Court-appointed attorney for the Receiver, appointed on the same day as the Receiver, within the Order.

C. Since the previous application, the Firm has expended time and resources during the course of this complex and substantial receivership case to further the interests of the

receivership estate and the creditors of Taylor Building Products, Inc. (herein "Taylor"). Applicants submit this application for compensation of such services and reimbursement of expenses.

D. All services rendered for which Applicants request compensation were performed or incurred for or on behalf of the receivership estate. The services described in this application were actual, necessary services and the compensation requested for those services is reasonable.

E. Pursuant to the rules of Court, a copy of this Fee Application is being served upon all parties that have appeared in this case.

II. INFORMATION REGARDING PROPOSED COMPENSATION

A. Firm's Fees and Expenses:

Application period: September 1, 2013 to present

Requested Fees:	\$	4,075.00
<u>Expenses:</u>	<u>\$</u>	<u>0</u>
Total	\$	4,075.00

Attached as Exhibit "A" are billing statements for the Firm setting forth: (a) the dates on which the work was performed; (b) a description of the work performed; and (c) the name of each individual performing the work. Attorney time has been billed at the following hourly rates: (a) Myron Terlecky - \$250.00 per hour ($\$250.00 \times .7 = \175.00); (b) Aaron Firstenberger - \$200.00 per hour ($\$200.00 \times 19.5 = \$3,900.00$). A total of 20.2 hours were worked at the respective rates, resulting in \$4,075.00 in total fees.

A. Certification of Review, and Billing Standards:

Reviews of the fee and expense itemizations have been conducted, and any unnecessary or excessive expenses or duplicative services have been adjusted. The Applicants recorded their services contemporaneously with performance and records of such services. Applicants represent

that they have submitted hours to the Court that represent only the actual time incurred in in the matters described therein, plus the estimated time necessary to close administration. If the Court believes that the description of services rendered is inadequate, it is requested that a hearing be held to permit Applicants an opportunity to detail the services rendered for any entry in question.

III. CONCLUSION

Based upon the foregoing, the Receiver and the Firm respectfully request that this Court issue an Order as follows:

- a. allowing the Firm's final request compensation and approving payment for the services rendered to or on behalf of the Receiver as set forth above in the amount of \$4,075.00 for fees;
- b. authorizing the Receiver to issue payment to the Firm for the allowed compensation; and
- c. granting such other relief to which the Court determines the Applicants to be entitled.

Respectfully submitted,

/s/ Myron N. Terlecky
Myron N. Terlecky (0018628)
Aaron C. Firstenberger (0072261)
Strip, Hoppers, Leithart, McGrath & Terlecky Co., LPA
575 South Third Street
Columbus, OH 43215
Telephone (614) 228-6345
Facsimile (614) 228-6369
Attorneys for the Receiver

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the aforementioned *Final Application For Allowance of Compensation To Receiver's Counsel For The Period of September 1, 2013 Through End of Administration* been served via the Court's electronic filing system and/or ordinary United States Mail, postage prepaid, on this 10th day of February, 2014 upon:

Bill Frazier
Raintree Capital Partners
17892 Clifton Park Lane
Cleveland, OH 44107
As Receiver

Maggie M. Abbulone, Esquire
Robert T. Castor, Esquire
Justin W. Ristau, Esquire
Bricker & Eckler
100 South Third Street
Columbus, OH 43215
Counsel for Plaintiff, The Huntington National Bank

Kristin S. Watson, Esquire
Cloppert, Latanick, Sauter & Washburn
225 East Broad Street
Columbus, OH 43215
Counsel for Claimants, International Union, United Automobile, Aerospace and Agricultural Implement Workers of America and UAW Local 1637

Brian Gianangeli, Esquire
The Law Office of Charles Mifsud, LLC
326 South High Street Annex, Suite 201
Columbus, OH 43215
Counsel for the Ohio Bureau of Worker's Compensation

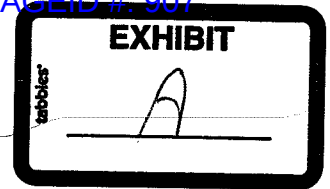
Ignazio Cangialosi
417 Saddle Back Trail
Franklin Lakes, NJ 07417

Taylor Building Products, Inc.
c/o Tobin Mann, statutory agent
3010 Columbus-Lancaster Road
Lancaster, OH 43130

Arthur M. Neiss, Esq.
Beattie Padovano, LLC
50 Chestnut Ridge Rd., #208
P.O. Box 244
Montvale, NJ 07645

/s/ Myron N. Terlecky
Myron N. Terlecky (0018628)
Aaron C. Firstenberger (0072261)

STRIP, HOPPERS, LEITHART, McGRATH & TERLECKY
 A LEGAL PROFESSIONAL ASSOCIATION
 575 SOUTH THIRD STREET
 COLUMBUS, OH 43215-5759
 (614) 228-6345



Taylor Building Products, Inc.
 c/o Bill Frazier, Receiver
 Raintree Capital Partners
 17892 Clifton Park Ln.
 Cleveland OH 44107

Page: 1
 10/31/2013
 ACCOUNT NO: 15036-000M
 STATEMENT NO: 10

Attorney for Receiver

	PREVIOUS BALANCE		\$7,205.00
		HOURS	
09/03/2013	CORRESPONDENCE W/CLIENT RE: FEE APPLICATION STATUS, STATUS CONFERENCE	0.20	40.00
09/04/2013	ATTENTION TO FOURTH FEE APPLICATION; DRAFT ORDER FOR FOURTH FEE APPLICATION; PREPARATION FOR STATUS CONFERENCE, REVIEW OF DOCUMENTS GERMANE TO SAME; ATTENDANCE AT STATUS CONFERENCE; CORRESPONDENCE W/CLIENT RE: BRIEFING ON STATUS CONFERENCE	2.80	560.00
09/05/2013	BRIEF ATTY TERLECKY RE: STATUS CONFERENCE, REMAINING ISSUES; REVIEW ENTRY FROM COURT RE: STATUS CONFERENCE, WITHDRAWAL OF COMPLAINT IN INTERVENTION	0.40	80.00
09/10/2013	FINAL WORK ON FOURTH FEE APPLICATION AND ORDER	0.20	40.00
09/17/2013	UPDATE CLIENT ON STATUS OF PENDING MOTIONS	0.10	20.00
09/24/2013	PH C W/R. SNYDER RE: STATUS OF ENTRY ON HEALTH CARE CLAIMS	0.10	20.00
10/01/2013	CORRESPONDENCE W/R. SNYDER RE: HEALTH CARE AGREEMENT	0.10	20.00
10/03/2013	PH C W/RECEIVER RE: AGREED ENTRY STATUS; CONSULTATION W/ATTY TERLECKY RE: CLOSE OUT OF CASE; CORRESPONDENCE W/UNION COUNSEL RE: SAME	0.30	60.00
10/16/2013	REVIEW FILED AGREED ORDER; CORRESPONDENCE W/B. FRAZIER RE: SAME; REVIEW SETTLEMENT AGREEMENT FOR TIMING OF PAYMENTS AND FILE CLOSEOUT	0.30	60.00
10/21/2013	REVIEW CORRESPONDENCE FROM CLIENT RE: UNCLAIMED FUNDS; RESPONSE TO SAME; INVESTIGATE POSSIBLE UNCLAIMED FUNDS IN MICHIGAN; COMPLETE APPLICATIONS; INSTRUCT CLIENT RE: APPLICATION FOR SAME	0.70	140.00
10/29/2013	CORRESPONDENCE W/B. FRAZIER RE: PAYMENT OF HEALTH CARE EXPENSES; REVIEW SETTLEMENT AGREEMENT; ADVISE CLIENT	0.40	80.00

10/31/2013

Taylor Building Products, Inc.

ACCOUNT NO: 15036-000M
STATEMENT NO: 10

Attorney for Receiver

	HOURS	
Aaron C. Firstenberger	5.60	1,120.00
FOR CURRENT SERVICES RENDERED	5.60	1,120.00
TOTAL CURRENT WORK		<u>1,120.00</u>
BALANCE DUE		<u>\$8,325.00</u>

TRUST ACCOUNT SUMMARY AS OF 10/31/2013 \$150.51

PLEASE INCLUDE YOUR ACCOUNT NUMBER ON YOUR CHECK

WE ACCEPT VISA/MASTERCARD/DISCOVER PAYMENTS
 PAYMENT METHOD ☐ CHECK ☐ VISA ☐ MASTERCARD ☐
 DISCOVER
 ACCT NUMBER _____ EXP DATE _____ CVV _____
 CODE _____
 SIGNATURE _____ AMOUNT \$ _____

STRIP, HOPPERS, LEITHART, McGRATH & TERLECKY
A LEGAL PROFESSIONAL ASSOCIATION
575 SOUTH THIRD STREET
COLUMBUS, OH 43215-5759
(614) 228-6345

Taylor Building Products, Inc.
c/o Bill Frazier, Receiver
Raintree Capital Partners
17892 Clifton Park Ln.
Cleveland OH 44107

Page: 1
10/31/2013
ACCOUNT NO: 15036M

PREVIOUS BALANCE	FEES	EXPENSES	ADVANCES	PAYMENTS	BALANCE
15036-000 Attorney for Receiver 7,205.00	1,120.00	0.00	0.00	0.00	<u>\$8,325.00</u>

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WE ACCEPT VISA/MASTERCARD/DISCOVER PAYMENTS
PAYMENT METHOD ☐ CHECK ☐ VISA ☐ MASTERCARD ☐
DISCOVER
ACCT NUMBER _____ EXP DATE _____ CVV _____
CODE _____
SIGNATURE _____ AMOUNT \$ _____

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02/06/2014
ACCOUNT NO: 15036-000M
STATEMENT NO: 11

Attorney for Receiver

PREVIOUS BALANCE \$8,325.00

HOURS

11/08/2013	CONFERENCE WITH ATTORNEY FIRSTENBERGER RE CLOSING RECEIVERSHIP	0.20	50.00
01/17/2014	REVIEW OF FINAL REPORT AND CONFERENCE WITH ATTORNEY FIRSTENBERGER RE: SAME	0.50	125.00
	Myron N. Terlecky	0.70	175.00
11/06/2013	CONFERENCE W/ATTY TERLECKY RE: STATUS OF CLOSE-OUT OF RECEIVERSHIP; CORRESPONDENCE W/RECEIVER RE: SAME; CORRESPONDENCE W/R. SNYDER RE: FINAL CHECK FOR INSURANCE CLAIMS; UPDATE FROM CLIENT RE: EQUITY PAYMENT, UNCLAIMED FUNDS; PH C W/NATIONAL EQUITY; UPDATE CLIENT RE: SAME	0.60	120.00
11/08/2013	PH C W/NATIONAL EQUITY RE: TIMING FOR SETTLEMENT PAYMENTS, POSSIBLE ASSIGNMENT OF SAME; MEMO TO CLIENT RE: NATIONAL EQUITY PAYOUT STATUS AND FINAL REPORT; DRAFT MEMO TO HUNTINGTON AND QUERY OF REMAINING BALANCE DUE	1.00	200.00
11/11/2013	CORRESPONDENCE FROM RECEIVER RE: ADDITIONAL FUNDS FROM EQUITY	0.10	20.00
11/12/2013	REVIEW HNB PAYOFF, UPDATE TO HNB; CORRESPONDENCE W/RECEIVER RE: FINAL REPORT	0.20	40.00
11/19/2013	CONFERENCE W/ATTY TERLECKY RE: STRATEGY FOR TERMINATION OF RECEIVERSHIP; UPDATE TO CLIENT RE: SAME	0.20	40.00
12/04/2013	CORRESPONDENCE W/RECEIVER RE: UPDATE ON BCBS MATTER, SETTLEMENT OF CLASS ACTION, FINAL REPORT	0.10	20.00
12/05/2013	REVIEW COURT ORDER IN THORNTON/ROSHON MATTER	0.20	40.00
12/09/2013	PH C W/NATIONAL EQUITY DEVELOPMENT RE: STATUS OF SECOND DISTRIBUTION HUNTSMAN/BASF MATTER	0.20	40.00

Taylor Building Products, Inc.

02/06/2014

ACCOUNT NO: 15036-000M
STATEMENT NO: 11

Attorney for Receiver

		HOURS	
12/17/2013	REVIEW RECEIVER SUMMARY REPORT; REVIEW UNCLAIMED FUNDS IN MICHIGAN; MEMO TO CLIENT RE: FINAL PAYMENTS	0.80	160.00
12/26/2013	ATTENTION TO STATUS CONFERENCE IN ROSH ON MATTER;	0.10	20.00
01/06/2014	ATTENTION TO FINAL REPORT; REVIEW FINANCIALS FROM CLIENT; PH C W/CLIENT RE: FINANCIALS AND FINAL ADMINISTRATION; CORRESPONDENCE W/RECEIVER RE: SAME	3.50	700.00
01/10/2014	CORRESPONDENCE W/ATTY R. THOMAS RE: STATUS OF RECEIVERSHIP; ATTENTION TO FINAL REPORT; CORRESPONDENCE W/RECEIVER; DRAFT ORDER FOR FINAL FEES; DRAFT APPLICATION FOR FINAL FEES; PH C W/RECEIVER RE: ACCOUNTS RECEIVABLE FOR FINAL REPORT; DRAFT MOTION TO TERMINATE RECEIVERSHIP; DRAFT ORDER TERMINATING RECEIVERSHIP	3.60	720.00
01/13/2014	REVIEW REVISED REPORT BY RECEIVER; EDIT TO SAME; PH C W/B. FRAIZER RE: REPORT; PH C W/STATE OF MICHIGAN RE: UNCLAIMED FUNDS	1.30	260.00
01/16/2014	PH C W/CLIENT RE: FINAL REPORT	0.20	40.00
01/17/2014	UPDATE ATTY TERLECKY RE: STATUS OF FINAL REPORT	0.10	20.00
01/21/2014	ADDITIONAL ATTENTION TO RECEIVER REPORT AND EXHIBITS; ATTENTION TO UPDATING FEE APPLICATION	1.00	200.00
02/04/2014	PARTICIPATION IN CONFERENCE CALL FOR THORNTON ROSHON LITIGATION	0.40	80.00
02/05/2014	REVIEW INQUIRY FROM RECEIVER RE: FINAL REPORT; FINAL REVIEW OF SAME AND PREPARATION FOR FILING	0.30	60.00
	Aaron C. Firstenberger	13.90	2,780.00
	FOR CURRENT SERVICES RENDERED	14.60	2,955.00
	TOTAL CURRENT WORK		2,955.00
	BALANCE DUE		\$11,280.00

TRUST ACCOUNT SUMMARY AS OF 02/06/2014 \$6,773.67

STRIP, HOPPERS, LEITHART, McGRATH & TERLECKY
A LEGAL PROFESSIONAL ASSOCIATION
575 SOUTH THIRD STREET
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(614) 228-6345

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Page: 1
02/06/2014
ACCOUNT NO: 15036M

PREVIOUS BALANCE	FEES	EXPENSES	ADVANCES	PAYMENTS	BALANCE
15036-000 Attorney for Receiver 8,325.00	2,955.00	0.00	0.00	0.00	<u>\$11,280.00</u>

PLEASE INCLUDE YOUR ACCOUNT NUMBER ON YOUR CHECK

WE ACCEPT VISA/MASTERCARD/DISCOVER PAYMENTS
PAYMENT METHOD ☐ CHECK ☐ VISA ☐ MASTERCARD ☐
DISCOVER
ACCT NUMBER _____ EXP DATE _____ CVV _____
CODE _____
SIGNATURE _____ AMOUNT \$ _____

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

THE HUNTINGTON NATIONAL BANK,	:	Case No.: 2:12 CV 937
Plaintiff	:	
	:	
vs.	:	Judge Watson
	:	
TAYLOR BUILDING PRODUCTS, INC.,	:	
Defendant	:	

**ORDER GRANTING FINAL APPLICATION FOR ALLOWANCE
OF COMPENSATION FOR RECEIVER'S COUNSEL FOR
THE PERIOD OF SEPT. 1, 2013, THROUGH END OF ADMINISTRATION**

This matter comes before the Court on the *Final Application for Allowance of Compensation for Receiver's Counsel for the Period of Sept. 1, 2013, through End of Administration* (the "Application"), filed on February 10, 2014, by Bill Frazier of Raintree Capital Partners, LLC, the Court-appointed Receiver (herein "Receiver") for certain assets of Taylor Building Products, Inc. Through the Application, the Receiver applies for approval of compensation earned and for reimbursement of expenses of the Receiver's counsel for the period of September 1, 2013 through the expected conclusion of administration (the "Application Period"). Receiver waives any additional compensation.

Strip, Hoppers, Leithart, McGrath & Terlecky Co., LPA (the "Firm"), attorneys for the Receiver, seek compensation for fees in the Application Period in the amount of \$4,075.00.

Pursuant to the *Order Appointing Receiver* in this case, the Application was served on those parties appearing in this case or requesting notice of pleadings in this case. A suitable time period for objections to be filed has passed and no objection to the Application has been filed.

Based on the matters contained in the Application, proper service of the Application having been completed, and no objection to the Application having been filed, the Court finds

the Application to be well-taken and it is approved. The Court finds that the services provided by the Firm were necessary and proper in the administration of this case. Since being appointed, counsel has expended time and resources in furtherance of the administration of the receivership estate. All services rendered for which the Firm requests compensation were performed or incurred for or on behalf of the receivership estate. The services described in this Application were actual, necessary services and the compensation requested for those services is reasonable.

It is therefore ORDERED and DECREED that the Application shall be, and it hereby is, granted, and that the Firm shall be, and it hereby is, entitled to fees in the amount of \$4,075.00;

It is FURTHER ORDERED and DECREED that the Receiver is authorized to make the approved payment to the Firm.

IT IS SO ORDERED.

DATE: _____

**UNITED STATES DISTRICT COURT
JUDGE MICHAEL H. WATSON**

SUBMITTED BY:

/s/ Myron N. Terlecky
Myron N. Terlecky (0018628)
Aaron C. Firstenberger (0072261)
Strip, Hoppers, Leithart, McGrath & Terlecky Co., L.P.A.
575 South Third Street
Columbus, Ohio 43215-5759
Telephone: (614) 228-6345
Facsimile: (614) 228-6369
Attorneys for Receiver

Copies to:

Via eFiling:

- Robert Castor, Esq.
- Kristin Watson, Esq
- Brian Gianangeli, Esq.

Via Regular Mail:

- Arthur M. Neiss, Beattie Padovano, LLC, 50 Chestnut Ridge Road, #208, PO Box 244, Montvale NJ 07645.